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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,252	02/21/2002	Yasumasa Mizushima	SON-2058/YAM	9700

7590

03/23/2006

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EXAMINER

LANEAU, RONALD

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,252

Applicant(s)

MIZUSHIMA ET AL.

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 28-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 28-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02172006</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. The amendment filed on 08/31/05 has been entered. New claims 28-43 are added and claims 1-11 and 28-43 are now pending.

Election/Restrictions

2. The previous restriction to the claims has been withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
5. Claims 1, 3, 4-6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al (US 6,879,962 B1) in view of Shimada (US 6,125,306).

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As per claims 1-11, Smith discloses a concentrated physical distribution management method to be used when consigned cargo is delivered to a destination, wherein said method is processed to be electronic information capable of being mutually communicated by means of communication network lines (see fig. 3), said method comprising: a shipping instruction processing step of instructing delivery of the consigned cargo to the destination collectively including a physical distribution trader by accessing a specific site (col. 19, lines 1-28); a cargo tracking processing step of indicating a delivery status of the cargo of the cargo, whereby the cargo can be managed concentratedly (col. 18, lines 25-44). Smith does not disclose a physical distribution expense calculation processing step of calculating physical distribution expenses necessarily for delivery of the cargo to the destination (page 10, [0105], lines 1-22) but Shimada discloses a controller arithmetic means for calculating a delivery charge of a cargo or a delivery zone number of a delivery destination of the cargo; wherein in said physical distribution expense calculation processing step, physical distribution expenses to the destination are calculated by reference to physical distribution expenses at every transportation route in cargo details of shipping instruction information (col. 8, lines 28-44).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the arithmetic means for calculating the delivery charge as taught by Shimada into the system of Smith because it would allow customers to find out about the delivery cost of their cargo and to select a company with the lowest cost to carry said cargo to their destination.

6. Claims 28-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melchior et al (US 2002/0099655 B1).

As per claims 28-36, Melchior discloses a cargo insurance information making method comprising the steps of: calculating insurance to cargo on a basis of at least shipping instruction information to be utilized as detailed cargo information, an insurance condition being a calculation standard of the insurance (col. 15, [0147]), and the like; selecting an insurance trader among nominated insurance traders (fig. 1); calculating an insurance premium by means of an insurance premium rate as a standard on a basis of the shipping instruction information, the insurance, a delivery section (col. 15, [0147]), and the like. Further, Melchior discloses a cargo insurance information making method according to claim 28, wherein any of said shipping instruction information, insurance condition information, said insurance trader, said insurance premium rate, and the like are extracted from information stored in a database (see fig. 1, 116). Melchior does not disclose making cargo insurance information being electronic data on a basis of respective information of the shipping instruction information, the insurance, and the insurance premium but it would have been obvious to one of ordinary skill in the art at the time the invention was made to make cargo insurance information being electronic data on a basis of respective information of the shipping instruction information, the insurance, and the insurance premium as claimed since Melchior's system provides opportunities for sellers or buyers to obtain cargo insurance on goods or services shipped in accordance with transactions.

7. Claims 37-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lettich et al (US 2002/0049622 A1).

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As per claims 37-43, Lettich discloses a drafting method of a draft of a bill of lading, said method comprising the steps of: performing pre-booking of a specific outgoing vessel schedule selected among previously obtained outgoing vessel schedule information at a time of receiving a consigning order of cargo delivery, and using information concerning a designated outgoing vessel schedule as draft information for the bill of lading (page 11, [0199]); issuing a booking instruction of the outgoing vessel schedule information for confirmation returned with an attached bill reservation number of the bill of lading; making new draft information for the bill of lading by adding shipping instruction information to the outgoing vessel schedule information for confirmation in response to a shipping requirement; and transmitting the new draft information for the bill of lading as final draft information for the bill of lading (page 10, [0173]). Lettich does not disclose an automatic draft information of the bill of lading but it is well settled that it is not “invention” to provide an automatic means to replace manual activity which has accomplished the same result. In re Rundell, 18 CCPA 1290, 48 F.2d 958, 9USPQ 220.

Response to Arguments

8. Applicant's arguments filed on 08/31/05 have been fully considered but they are not persuasive.

Applicant's arguments with respect to Tetsuya are moot in view of the new reference added. Applicant further argues that “taking out shipping instruction information stored in a shipping instruction database, taking out transport schedule stored in a transport schedule database, determining a cargo transportation route in conformity with said shipping instruction

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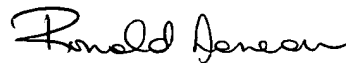
on a basis of said shipping instruction information and said transport schedule.” In response to Applicant’s arguments, Smith discloses a database 106 that stores all information about an item to be shipped such as shipping information, transport schedule and cargo transportation route. Smith discloses a logistics method that provides logistics computer programming for controlling a plurality of transports to supply a plurality of transports to supply a plurality of delivery locations from one or more bases. Each of the bases and delivery locations are in communications with a central database, that contains updated logistics information. The central database is automatically updated at selectable intervals as to transport location, destination, etc and manifests are stored in the central database. The central database is key to Smith’s invention because all the information is stored and one has to access the database to retrieve all information about the cargo shipment. Claims 1-11 and 28-43 are rejected.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ronald Laneau
Examiner
Art Unit 3627

3/11/06

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